

1-1 By: Moody (Senate Sponsor - Carona) H.B. No. 1606
1-2 (In the Senate - Received from the House May 6, 2013;
1-3 May 7, 2013, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	X		
1-10	<u>Huffman</u>	X		
1-11	<u>Carona</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Patrick</u>	X		
1-14	<u>Rodriguez</u>	X		
1-15	<u>Schwertner</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1606 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the prosecution of the offenses of harassment and
1-20 stalking.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 42.07(a), Penal Code, is amended to read
1-23 as follows:

1-24 (a) A person commits an offense if, with intent to harass,
1-25 annoy, alarm, abuse, torment, or embarrass another, the person
1-26 ~~[he]~~:

1-27 (1) initiates communication ~~[by telephone, in~~
1-28 ~~writing, or by electronic communication]~~ and in the course of the
1-29 communication makes a comment, request, suggestion, or proposal
1-30 that is obscene;

1-31 (2) threatens, ~~[by telephone, in writing, or by~~
1-32 ~~electronic communication,]~~ in a manner reasonably likely to alarm
1-33 the person receiving the threat, to inflict bodily injury on the
1-34 person or to commit a felony against the person, a member of the
1-35 person's ~~[his]~~ family or household, or the person's ~~[his]~~ property;

1-36 (3) conveys, in a manner reasonably likely to alarm
1-37 the person receiving the report, a false report, which is known by
1-38 the conveyor to be false, that another person has suffered death or
1-39 serious bodily injury;

1-40 (4) causes the telephone of another to ring repeatedly
1-41 or makes repeated telephone communications anonymously or in a
1-42 manner reasonably likely to harass, annoy, alarm, abuse, torment,
1-43 embarrass, or offend another;

1-44 (5) makes a telephone call and intentionally fails to
1-45 hang up or disengage the connection;

1-46 (6) knowingly permits a telephone under the person's
1-47 control to be used by another to commit an offense under this
1-48 section; or

1-49 (7) sends repeated electronic communications in a
1-50 manner reasonably likely to harass, annoy, alarm, abuse, torment,
1-51 embarrass, or offend another.

1-52 SECTION 2. Sections 42.072(a) and (d), Penal Code, are
1-53 amended to read as follows:

1-54 (a) A person commits an offense if the person, on more than
1-55 one occasion and pursuant to the same scheme or course of conduct
1-56 that is directed specifically at another person, knowingly engages
1-57 in conduct that:

1-58 (1) constitutes an offense under Section 42.07, or
1-59 that the actor knows or reasonably should know ~~[believes]~~ the other
1-60 person will regard as threatening:

2-1 (A) bodily injury or death for the other person;
2-2 (B) bodily injury or death for a member of the
2-3 other person's family or household or for an individual with whom
2-4 the other person has a dating relationship; or
2-5 (C) that an offense will be committed against the
2-6 other person's property;
2-7 (2) causes the other person, a member of the other
2-8 person's family or household, or an individual with whom the other
2-9 person has a dating relationship to be placed in fear of bodily
2-10 injury or death or in fear that an offense will be committed against
2-11 the other person's property, or to feel harassed, annoyed, alarmed,
2-12 abused, tormented, embarrassed, or offended; and
2-13 (3) would cause a reasonable person to [~~fear~~]:
2-14 (A) fear bodily injury or death for himself or
2-15 herself;
2-16 (B) fear bodily injury or death for a member of
2-17 the person's family or household or for an individual with whom the
2-18 person has a dating relationship; [~~or~~]
2-19 (C) fear that an offense will be committed
2-20 against the person's property; or
2-21 (D) feel harassed, annoyed, alarmed, abused,
2-22 tormented, embarrassed, or offended.
2-23 (d) In this section:
2-24 (1) "Dating [~~, "dating~~]" relationship," "family,"
2-25 "household," and "member of a household" have the meanings assigned
2-26 by Chapter 71, Family Code.
2-27 (2) "Property" includes a pet, companion animal, or
2-28 assistance animal, as defined by Section 121.002, Human Resources
2-29 Code.
2-30 SECTION 3. The change in law made by this Act applies only
2-31 to an offense committed on or after the effective date of this Act.
2-32 An offense committed before the effective date of this Act is
2-33 governed by the law in effect on the date the offense was committed,
2-34 and the former law is continued in effect for that purpose. For
2-35 purposes of this section, an offense was committed before the
2-36 effective date of this Act if any element of the offense occurred
2-37 before that date.
2-38 SECTION 4. This Act takes effect September 1, 2013.

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